



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

h. p

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,243	04/16/2004	Olivier Martinot	Q80984	7788

23373 7590 02/21/2008  
SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

EXAMINER
----------

MAHMOUDZADEH, NIMA

ART UNIT	PAPER NUMBER
----------	--------------

2619

MAIL DATE	DELIVERY MODE
-----------	---------------

02/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/825,243

**Applicant(s)**

MARTINOT ET AL.

**Examiner**

NIMA MAHMOUDZADEH

**Art Unit**

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 16-27 is/are rejected.
- 7) ☒ Claim(s) 9-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 0304854, filed on 04/18/2003.

### ***Specification***

2. The disclosure is objected to because of the following informalities: On page 7, line 2, phrase "F11 and F12" should be changed to – F11 and F21--.

On page 12, line 3, and on page 12, line 3, phrase "configuration means (MM)" is incorrect. Applicant cited "MM" for two different phrases. On page 8 line 35, "MM" was disclosed as "monitoring means"

On page 9, line 15, page 10, line 15 and page 14, line 12 phrase "management device (G)" is inconsistent with page 14, lines 28 and 33 and aslo page 15, lines 1 and 4

Appropriate correction is required.

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2619

5. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5 and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Fletcher et al. (US Patent No. 6,108,782).

**Regarding claim 1**, Fletcher et al. teach a device (D) for managing the measurement of parameters of end-to-end (Fig. 1, device 64) type data streams in a communication network (Fig. 1, 40) composed of at least two domains (Fig. 1, 52a-e, 51a-c, and 60a-c) coupled together (Fig. 1, 40), and each equipped with a measuring appliance (Fig. 1, 60, 61b and 62) capable of delivering local measurements representing parameter values of local end-to-end data streams (Fig. 1, 40), where said measuring appliances (Fig. 1, 60, 61b and 62) implement various measuring processes, characterized in that it includes (i) monitoring means (Fig. 1, dRMON within the router) arranged so as to order the constitution of a specific measurement configuration in each measuring appliance ( Statistics and dataframe are transferred to dRMON collector. See column 6, lines 19-33) as a function of at least its measuring process and overall

Art Unit: 2619

measurement specifications (dRMON collectors oversee the individual domains and contain information mentioned in Fig. 7), and (ii) calculation means (CM) arranged so as to deliver first data representative of parameter values of overall end-to-end data streams from local measurements delivered by the said configured measuring appliances (Domain collector manages local and overall end-to-end data. See column 20, lines 2-22).

**Regarding claim 2**, Fletcher et al. teach a device as in claim 1, characterized in that said monitoring means (Fig. 1, dRMON within the router) are arranged so as to order the constitution of a specific measurement configuration in each measuring appliance (Fig. 1, 60, 61b and 62) as a function of its measuring process, second data representing the arrangement of its domain and overall measurement specifications (Workgroup Collector gather the first data which is the data from the measuring appliances and Domain Collector gather the second data which is the overall data gathered from the Workgroup Collectors. See column 18, lines 58-67 and column 20, lines 1-21).

**Regarding claim 3**, Fletcher et al. teach a device as in claim 1, characterized in that said monitoring means (Fig. 1, dRMON within the router) include the first interface means (ID) arranged to allow the definition of said overall measurement specifications (Fig. 8, interface for device 80).

**Regarding claim 4**, Fletcher et al. teach a device as in claim 1, characterized in that said monitoring means (Fig. 1, dRMON within the router) include configuration means (MC) arranged to determine, for each measuring appliance (Mi), the local

Art Unit: 2619

specifications of measurements defining its specific configuration to be constituted (Column 12, lines 56-67).

**Regarding claim 5**, Fletcher et al. teach a device as in claim 4, characterized in that said monitoring means (MM) are arranged to determine the corresponding data representing the correspondence between said local measurement specifications and said overall measurement specifications (Column 18, lines 58-67 and column 19, lines 1-6).

**Regarding claim 25**, Fletcher et al. teach a communication network (Fig. 1, 40) which includes at least two domains (Fig. 1, 70, 71 and 72) coupled together and each equipped with a measuring appliance (Fig. 1, 60, 61b, and 62) capable of delivering local measurements representing the parameter values of local end-to-end streams (Fig. 1, local terminals), where said measuring appliances (Fig. 1, 60, 61a, and 62) implement different measuring processes, characterized in that it includes at least a management device (Fig. 1, 64 has capability to manage it's connections) as in claim 1.

**Regarding claim 26**, Fletcher et al. teach use of the management device (Fig. 1, 64) and the communication network (Fig. 1, 40) as in claim 1 in the network technologies which have to be managed (In Fig. 1, router/server 64 manages the network).

**Regarding claim 27**, Fletcher et al. teach use as in claim 26, characterized in that said network technologies are chosen from a group which includes transmission networks of the WDM, SONET or SDH type in particular, data of the IP-Internet (Fig. 1,

Art Unit: 2619

40 is an example of IP-Internet) or ATM type in particular, and speech of the conventional (Fig. 1, 50d), mobile or NGN type in particular.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 16-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher et al. (US Patent No. 6,108,782) in view of Amemiya (US Patent Publication No. 2003/0055946).

**Regarding claim 6,** Fletcher et al. teach a device as in claim 1. But fail to teach a device that characterized in that said storage means (BD) define a first memory (B1) capable of storing data representing said overall measurement specifications. However, Amemiya teaches a device that characterized in that said storage means (BD) define a first memory (B1) capable of storing data representing said overall measurement specifications (Paragraph [0051], lines 1-5).

**Regarding claim 7,** Fletcher et al. teach a device as in claim 6. But fail to teach a device that characterized in that said storage means (BD) define a second memory (B2) capable of storing data representing said local measurement specifications and/or said configuration data. However, Amemiya teaches a device that characterized in that said storage means (BD) define a second memory (B2) capable of storing data

Art Unit: 2619

representing said local measurement specifications and/or said configuration data (Paragraph [0051], lines 5-8).

**Regarding claim 8**, Fletcher et al. teach a device as in claim 6. But fail to teach a device that characterized in that in the presence of at least one domain (D1) which includes a measuring appliance (M1) implementing a measuring process based upon a measurement model, said storage resources (BD) define a third memory (B3) capable of storing the data representing said measurement model. However, Amemiya teaches a device that characterized in that in the presence of at least one domain (D1) which includes a measuring appliance (M1) implementing a measuring process based upon a measurement model, said storage resources (BD) define a third memory (B3) capable of storing the data representing said measurement model (Paragraph [0051], lines 9-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Fletcher et al. to include a first, second and third memory disclosed by Amemiya in order to be able to store the data obtained from the interconnecting devices.

**Regarding claim 16**, Fletcher et al. teach a device as in claim 4. But fail to teach a device that characterized in that said calculation means include a auxiliary calculation module arranged to determine second data representing the respective contributions of the various domains to the first data, from local measurement delivered by said configured measuring appliances and said local measurement specifications. However, Amemiya teaches a device that characterized in that said calculation means (Fig. 2, 10)



Art Unit: 2619

include a auxiliary calculation module (Fig. 2, 114) arranged to determine second data representing the respective contributions of the various domains to the first data, from local measurement delivered by said configured measuring appliances (Fig. 1, 20a-20c) and said local measurement specifications (Fig. 2, 114).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the monitoring/ processing module taught by Fletcher et al. to include a calculation/processing device disclosed by Amemiya in order to calculate data from different components of the device.

**Regarding claim 17**, Fletcher et al. teach a device as in claim 16. But fail to teach a device that characterized in that said auxiliary calculation module is arranged to determine second data representing relative contributions and/or absolute contributions. However, Amemiya teaches a device that characterized in that said auxiliary calculation module (Fig. 2, 114) is arranged to determine second data representing relative contributions and/or absolute contributions (In Fig. 2, detection unit 114 has duty of detecting each of the interconnecting operations).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the monitoring/ processing module taught by Fletcher et al. to include a calculation/processing device disclosed by Amemiya in order to be able to determine data from different components of the device.

**Regarding claim 18**, Fletcher et al. teach a device as in claim 16. But fail to teach a device that characterized in that said first memory (B1) is capable of storing said second data. However, Amemiya teaches a device that characterized in that said

Art Unit: 2619

first memory (B1) is capable of storing said second data (The first memory stores plurality of notifications corresponding to the interconnecting devices. Paragraph [0008] and see Fig. 2, 104).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Fletcher et al. to include a first memory capable of storing data disclosed by Amemiya in order to be able to store the data obtained from the interconnecting devices.

**Regarding claim 19**, Fletcher et al. teach a device as in claim 6. But fail to teach a device that characterized in that said first memory (B1) is capable of storing said first data. However Amemiya teaches a device that characterized in that said first memory (B1) is capable of storing said first data (Paragraph [0051], lines 1-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Fletcher et al. to include a first memory capable of storing data disclosed by Amemiya in order to be able to store the data obtained from the interconnecting devices.

**Regarding claim 20**, Fletcher et al. teach a device as in claim 16. But fail to teach a device that characterized in that it includes an output interface coupled to said calculation means and capable of delivering said first and/or second data at an output when so ordered. However, Amemiya teaches a device that characterized in that it includes an output interface (Fig. 2, 114 and 116) coupled to said calculation means (Fig. 2, 10 and 114) and capable of delivering said first and/or second data at an output when so ordered (Data from 104 and 110 in Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the monitoring/ processing module taught by Fletcher et al. to include a calculation/processing device disclosed by Amemiya in order to be able to deliver data to output interface.

**Regarding claim 21**, Fletcher et al. teach a device or arrangement as in claim 16. But fail to teach a device that characterized in that it includes an output interface which is capable of extracting the said first and/or second data from the first memory at an output when ordered to do so. However, Amemiya teaches a device that characterized in that it includes an output interface (Fig. 2, 114 and 116) which is capable of extracting the said first and/or second data from the first memory (Fig. 2, 104) at an output when ordered to do so (Fig. 2, 114 and 116).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Fletcher et al. to include a first and second memory capable of storing data disclosed by Amemiya in order to be able to extract the data to the output interfaces.

**Regarding claim 22**, Fletcher et al. teach a device as in claim 20. But fail to teach a device that characterized in that it includes a management information database which is supplied with the first and/or second data by said output interface. However, Amemiya teaches a device that characterized in that it includes a management information database (Fig. 2, 106) which is supplied with the first and/or second data by said output interface (Fig. 2, 114 and 116).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Fletcher et al. to include a management database disclosed by Amemiya in order to be able to store the data provided from the interface.

**Regarding claim 23**, Fletcher et al. teach a device as in claim 1. But fail to teach a device that characterized in that it includes second interface resources arranged in the shape of interface modules, each dedicated to a measuring process, coupled to said monitoring means to said measuring appliances and to said calculation means, and each arranged to configure the corresponding measuring appliance and to collect its local measurements in order to supply said calculation means. However, Amemiya teaches a device that characterized in that it includes second interface resources (Fig. 10, 710) arranged in the shape of interface modules (Fig. 10, 706), each dedicated to a measuring process (Fig. 10, 706 is connected to the computer network and 710 is connected to the data base), coupled to said monitoring means (Fig. 10, 700) to said measuring appliances (Fig. 1, 20a-20c) and to said calculation means (Fig. 10, 700), and each arranged to configure the corresponding measuring appliance (Fig. 1, 20a-20c) and to collect its local measurements in order to supply said calculation means (Fig. 10, 700).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Fletcher et al. to include a second interface module disclosed by Amemiya in order to be able to collect measurements and provide accurate information to measuring appliances.

**Regarding claim 24**, Fletcher et al. teach a device as in claim 23. But fail to teach a device that characterized in that one of said interface modules constitutes an external measuring appliance for a domain of said communication network. However, Amemiya teaches a device that characterized in that one of said interface modules (Fig. 10, 706) constitutes an external measuring appliance (In Fig. 10, 700 can be external measuring appliance for any domain) for a domain (Fig. 1 any domain) of said communication network (Fig. 1, 100).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Fletcher et al. to include an interface module disclosed by Amemiya in order to be able to constitute an the devices in the domain.

#### ***Allowable Subject Matter***

10. Claims 9-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

11. Any responses to this Office Action should be **faxed** to (571) 273-8300 or **mailed** to:

Commissioner for Patent  
P.O. Box 1450  
Alexandria, VA 22313-1450

Art Unit: 2619

**Hand-delivered responses should be brought to**  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIMA MAHMOUDZADEH whose telephone number is (571)270-3527. The examiner can normally be reached on Monday - Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nima Mahmoudzadeh  
AU2619

  
CHIRAG G. SHAH  
PRIMARY PATENT EXAMINER